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| CLERK U S DISTRICT COURT | |
| DISTRICT OF ARIZONA | |
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5 **IN UNITED STATES DISTRICT COURT**
 6
FOR THE DISTRICT OF ARIZONA

8 **405 W. Congress Street Tucson, AZ 85701**
 9

10
 11 EDWIN A. GROOVER,
 12 Plaintiff,
 13 vs.
 14 U.S. OFFICE OF PERSONNEL
 MANAGEMENT,
 15 Defendant

Case No.: CV-22-00122-TUC-JCH

COMPLAINT

16
Jurisdiction

17
 18 This court has jurisdiction over this matter pursuant to Title 18 U.S.C.
 19 section 1983, 4th and 14th amendments. The plaintiff is a resident of Hereford,
 20 Cochise County, AZ and a citizen of the United States.

21 The defendant, is a resident of Boyers, PA. This cause of action arose in the
 22 Tucson division.

23
Cause of action

25 Defendants owed a duty to plaintiff to guard against encroachment of
 26 constitutionally protected rights.

27 Defendants owed a duty to follow Federal Law 5 U.S.C.
 28

1 Defendants owed a duty to follow instructions on Optional form 311.

2

3

4 **Complaint**

5 Denial of due process, Deprivation of rights under color of law, creating fictitious
6 obligations, Fraud, intentional infliction of emotional distress, deliberate infliction
7 of harm.

8

9 The Petitioner has brought this complaint to challenge the Office of Personnel
10 Management actions that have resulted in OPM seizing of the Petitioners' private
11 property (retirement pay) without proper authority. Federal Law 5 U.S.C. Chapter/
Subchapter B/ Part 582 Service of Legal Process provides for the garnishment of
12 the pay of Federal employees. Plaintiff is not a federal employee. Plaintiff is a
13 federal retiree.

14

15 OPM action against plaintiff has created a fictitious obligation to reimburse OPM
16 by using the color of law to seize plaintiff's property.

17 Legal process from a competent court has not been served to plaintiff.

18

19 5 CFR § 582.102 - Definitions.

20 **(2) *Employee or employee-obligor*** means an individual who is employed by
21 an agency as defined in this section, including a reemployed annuitant, an
22 individual engaged in phased employment as defined in part 831, subpart Q,
23 and part 848 of this chapter, and a retired member of the uniformed services who
24 is employed by an agency. **Employee does not include a retired employee**, a
25 member of the uniformed services, a retired member of the uniformed services, or
26 an individual whose service is based on a contract, including an individual who
provides personal services based on a contract with an agency.

- 27
- 28 1. Pursuant to 5 CFR § 582.102, OPM has acted in absence of authority.

- 1 2. Pursuant to 5 U.S.C. § 5520a, OPM has fraudulently completed federal
- 2 documents.
- 3
- 4 3. OPM has denied plaintiff due process of law as secured by the 4th
- 5 Amendment of the US Constitution.
- 6
- 7 4. OPM has deprived plaintiff of the right to challenge their claim in a court of
- 8 law.
- 9
- 10 5. OPM has taken plaintiffs property under color of law.
- 11 6. As a result of OPM willful, intentional and lawless actions toward plaintiff
- 12 has caused plaintiff to experience emotional distress, and the proceeding has
- 13 inflicted harm.
- 14 7. Defendants' actions have caused plaintiff to labor in managing with the loss
- 15 of retirement monies.
- 16 8. OPM personnel have sworn oaths of office to guard constitutionally
- 17 protected rights.
- 18
- 19 9. The individuals responsible for completing said documents knowingly and
- 20 willingly violated constitutionally protected rights.
- 21
- 22 10. The individuals responsible for these actions at OPM have knowingly and
- 23 willingly violated 5 CFR Part 582.
- 24

25 *16Am Jurisprudence 2d., Sec. 97: "Then a constitution should receive a literal*
26 *interpretation in favor of the Citizen, is especially true, with respect to those provisions*
27 *which were designed to safeguard the liberty and security of the Citizen in regard to*
28 *person and property." Bary v. United States - 273 US 128 "Any constitutional provision*

intended to confer a benefit should be liberally construed in favor in the clearly intended and expressly designated beneficiary" THE PEOPLE.

Demand

Plaintiff demands that OPM cease and desist fraudulent wage garnishment action immediately and return plaintiffs' property plus interest. Defendants' egregious actions entitle plaintiff to recover money damages: \$500,000.00.

In addition, plaintiff prays such other and further relief as to the jury demanded in this case shall appear just. The Plaintiff demands a trial by jury. **Damages: \$500,000.00.**

Date: 2-24-2022

E. A. Jones

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